

1 H.785

2 Introduced by Representative Wright of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Regulated drugs; selling; trafficking

6 Statement of purpose of bill as introduced: This bill proposes to increase the  
7 penalties and establish a 10-year mandatory minimum sentence of  
8 incarceration for selling and trafficking certain regulated drugs.

9 An act relating to selling and trafficking regulated drugs

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 18 V.S.A. § 4231 is amended to read:

12 § 4231. COCAINE

13 \* \* \*

14 (b) Selling or dispensing.

15 (1) A person knowingly and unlawfully dispensing cocaine shall be  
16 imprisoned not more than three years or fined not more than \$75,000.00, or  
17 both. A person knowingly and unlawfully selling cocaine shall be imprisoned  
18 not more than five years or fined not more than \$100,000.00, or both.

19 (2) A person knowingly and unlawfully selling or dispensing cocaine in  
20 an amount consisting of 2.5 grams or more of one or more preparations,

1 compounds, mixtures, or substances containing cocaine shall be imprisoned  
2 not more than 10 years or fined not more than \$250,000.00, or both.

3 (3) A person knowingly and unlawfully selling or dispensing cocaine in  
4 an amount consisting of ~~one ounce~~ 14 grams or more of one or more  
5 preparations, compounds, mixtures, or substances containing cocaine shall be  
6 imprisoned not more than 20 years or fined not more than \$1,000,000.00, or  
7 both.

8 (c)(1) Trafficking. A person knowingly and unlawfully possessing cocaine  
9 in an amount consisting of ~~150 grams~~ one ounce or more of one or more  
10 preparations, compounds, mixtures, or substances containing cocaine with the  
11 intent to sell or dispense the cocaine shall be imprisoned not more than 30  
12 years or fined not more than \$1,000,000.00, or both. Ten years of the 30-year  
13 term of imprisonment required by this subsection shall be served and may not  
14 be suspended, deferred, or served as a supervised sentence. The defendant  
15 shall not be eligible for probation, parole, furlough, or any other type of early  
16 release until the expiration of the 10-year term of imprisonment. There shall  
17 be a permissive inference that a person who possesses cocaine in an amount  
18 consisting of ~~150 grams~~ one ounce or more of one or more preparations,  
19 compounds, mixtures, or substances containing cocaine intends to sell or  
20 dispense the cocaine. The amount of possessed cocaine under this subdivision

1 to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be no less than  
2 400 grams in the aggregate.

3 \* \* \*

4 (d) Transportation into the State. In addition to any other penalties  
5 provided by law, a person knowingly and unlawfully transporting one gram or  
6 more of cocaine into Vermont with the intent to sell or dispense the cocaine  
7 shall be imprisoned not more than 10 years or fined not more than  
8 \$100,000.00, or both.

9 Sec. 2. 18 V.S.A. § 4233 is amended to read:

10 § 4233. HEROIN

11 \* \* \*

12 (b) Selling or dispensing.

13 (1) A person knowingly and unlawfully dispensing heroin shall be  
14 imprisoned not more than three years or fined not more than \$75,000.00, or  
15 both. A person knowingly and unlawfully selling heroin shall be imprisoned  
16 not more than five years or fined not more than \$100,000.00, or both.

17 (2) A person knowingly and unlawfully selling or dispensing heroin in  
18 an amount consisting of 200 milligrams or more of one or more preparations,  
19 compounds, mixtures, or substances containing heroin shall be imprisoned not  
20 more than 10 years or fined not more than \$250,000.00, or both.

1           (3) A person knowingly and unlawfully selling or dispensing heroin in  
2           an amount consisting of ~~one gram~~ 500 milligrams or more of one or more  
3           preparations, compounds, mixtures, or substances containing heroin shall be  
4           imprisoned not more than 20 years or fined not more than \$1,000,000.00, or  
5           both.

6           (c) Trafficking. A person knowingly and unlawfully possessing heroin in  
7           an amount consisting of ~~3.5 grams~~ one gram or more of one or more  
8           preparations, compounds, mixtures, or substances containing heroin with the  
9           intent to sell or dispense the heroin shall be imprisoned not more than 30 years  
10          or fined not more than \$1,000,000.00, or both. Ten years of the 30-year term  
11          of imprisonment required by this subsection shall be served and may not be  
12          suspended, deferred, or served as a supervised sentence. The defendant shall  
13          not be eligible for probation, parole, furlough, or any other type of early  
14          release until the expiration of the 10-year term of imprisonment. There shall  
15          be a permissive inference that a person who possesses heroin in an amount of  
16          ~~3.5 grams~~ one gram or more of one or more preparations, compounds,  
17          mixtures, or substances containing heroin intends to sell or dispense the heroin.  
18          The amount of possessed heroin under this subsection to sustain a charge of  
19          conspiracy under 13 V.S.A. § 1404 shall be no less than 10 grams in the  
20          aggregate.

1 (d) Transportation into the State. In addition to any other penalties  
2 provided by law, a person knowingly and unlawfully transporting one gram or  
3 more of heroin into Vermont with the intent to sell or dispense the heroin shall  
4 be imprisoned not more than 10 years or fined not more than \$100,000.00, or  
5 both.

6 Sec. 3. 18 V.S.A. § 4234a is amended to read:

7 § 4234a. METHAMPHETAMINE

8 \* \* \*

9 (b) Selling and dispensing.

10 (1) A person knowingly and unlawfully dispensing methamphetamine  
11 shall be imprisoned not more than three years or fined not more than  
12 \$75,000.00, or both. A person knowingly and unlawfully selling  
13 methamphetamine shall be imprisoned not more than five years or fined not  
14 more than \$100,000.00, or both.

15 (2) A person knowingly and unlawfully selling or dispensing  
16 methamphetamine in an amount consisting of 2.5 grams or more of one or  
17 more preparations, compounds, mixtures, or substances containing  
18 methamphetamine shall be imprisoned not more than 10 years or fined not  
19 more than \$250,000.00, or both.

20 (3) A person knowingly and unlawfully selling or dispensing  
21 methamphetamine in an amount consisting of ~~25 grams~~ 12.5 grams or more of

1 one or more preparations, compounds, mixtures, or substances containing  
2 methamphetamine shall be imprisoned not more than 20 years or fined not  
3 more than \$1,000,000.00, or both.

4 (c) Trafficking. A person knowingly and unlawfully possessing  
5 methamphetamine in an amount consisting of ~~300 grams~~ 25 grams or more of  
6 one or more preparations, compounds, mixtures, or substances containing  
7 methamphetamine with the intent to sell or dispense the methamphetamine  
8 shall be imprisoned not more than 30 years or fined not more than  
9 \$1,000,000.00, or both. Ten years of the 30-year term of imprisonment  
10 required by this subsection shall be served and may not be suspended,  
11 deferred, or served as a supervised sentence. The defendant shall not be  
12 eligible for probation, parole, furlough, or any other type of early release until  
13 the expiration of the 10-year term of imprisonment. There shall be a  
14 permissive inference that a person who possesses methamphetamine in an  
15 amount consisting of ~~300 grams~~ 25 grams or more of one or more preparations,  
16 compounds, mixtures, or substances containing methamphetamine intends to  
17 sell or dispense the methamphetamine. The amount of possessed  
18 methamphetamine under this subsection to sustain a charge of conspiracy  
19 under 13 V.S.A. § 1404 shall be no less than 800 grams in the aggregate.

20 (d) Transportation into the State. In addition to any other penalties  
21 provided by law, a person knowingly and unlawfully transporting one gram or

1     more of methamphetamine into Vermont with the intent to sell or dispense the  
2     methamphetamine shall be imprisoned not more than 10 years or fined not  
3     more than \$100,000.00, or both.

4     Sec. 4. EFFECTIVE DATE

5     This act shall take effect on passage.